



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

JRE
Docket No: 639-00
7 November 2000

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 26 October 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you were the subject of a medical board convened on 9 February 1995. You were given diagnoses of bipolar disorder, manic; and personality disorder, not otherwise specified, with narcissistic, paranoid and passive aggressive features. In the opinion of the authors of the medical board report, you required continued psychiatric treatment, consisting of psychotherapy and medication management. On 3 April 1995, the Record Review Panel of the Physical Evaluation Board, made preliminary findings that you were unfit for duty because of the first diagnosis, which it rated at 30% less a 10% existed prior to enlistment factor, for a final rating of 20%. You accepted those findings on 7 April 1995, and waived your right to a hearing to contest the finding of unfitness and assigned rating. You were discharged by reason of physical disability on 18 May 1995 in grade E-4. It appears that you had been frocked to grade E-5, but you reverted to your former rate when your commander withdrew the recommendation for promotion.

The Board rejected your contention that you were unjustly discharged. As noted above, you were discharged with your consent because you suffered from a mental disorder which

rendered you unfit for duty and precluded further service. In addition, the Board had no basis for concluding that the withdrawal of the recommendation for your promotion to E-5 was erroneous or unjust. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request. The Board did not consider your request for administrative correction of your DD Form 214, because you have not exhausted an administrative remedy by applying to the Chief of Naval Personnel for the desired correction.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director